

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 5, and 9 have been amended. No claims have been added. Claims 16-25 have been previously cancelled. Accordingly, claims 1-15 are pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "Using XML Schemas to Create and Encode Interactive 3-D Audio Scenes for Multimedia and Virtual Reality Applications," by Potard ("Potard") in view of "Extending SMIL With 3D Audio," by Pihkala ("Pihkala").

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*).

In regard to claim 1, this claim has been amended to recite "the plurality of point sound sources are distributed uniformly over a surface defined by the three-dimensional space, the sound object including the plurality of point sound sources" (emphasis added). The Applicants submit that these elements are supported, for example, by page 7, Lines 19-26 of the Specification as filed. According to amended claim 1, point sound sources are distributed uniformly in the dimension of a virtual sound source in order to model sound sources of various shapes and sizes. However, both Potard and Pihkala fail to disclose uniform distribution of point sound sources as recited in amended claim 1. Thus, the combination of Potard and Pihkala fails to disclose each element of amended claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 on this basis.

In regard to independent claims 5 and 9, these claims have been amended to include elements analogous to those of amended claim 1. For at least the reasons provided above in regard to claim 1, each element of amended claims 5 and 9 is not taught or suggested by the combination of Potard and Pihkala. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 5 and 9 on this basis.

In regard to claims 2-4, 6-9, and 10-15 these claims depend from independent claims 1, 5, and 9, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that each of the elements of claims 1, 5 and 9 is disclosed by the combination of Potard and Pihkala. However, as discussed above, the combination of Potard and Pihkala fails to disclose each element of claims 1, 5, and 9. Thus, these elements of claims 1, 5, and 9, which are incorporated in claims 2-4, 6-9, and 10-15, are not taught by the combination of Potard and Pihkala. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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